

Appl. No. : 10/070,266
Filed : July 19, 2002

REMARKS

The Applicant notes that Claims 1, 2, 5, 6, 8, 12, 13, 17, 21, and 23 are amended by this paper to more clearly recite what the Applicant regards as the invention and to address certain rejections in the pending Office Action. The Applicant further notes that new Claims 24-33 are added by this paper and the Applicant respectfully requests reconsideration of the new, the amended and the remaining previously presented claims as currently pending.

More particularly, the Applicant notes that Claim 1 is amended to clarify the distinction between the claimed "base game" and the claimed "additional feature". Claim 1 now recites that the additional feature comprises at least one of a "player favorable variation in the outcomes available for the controller to select" and "eligibility for the award of one or more feature games in the event of a feature game trigger occurring during play of the base game." The Applicant notes that antecedent support for these claim amendments may be found in the application as filed, for example, page 5, line 31 to page 6, line 14 and page 6, lines 17-23.

Claim 6 is amended to add the further limitation that the additional feature is triggered by a trigger event in the base game and that the trigger event is an event that is independent of the outcomes selected for the base game. The Applicant notes that antecedent support for these amendments may be found in the application as filed, for example, at page 3, lines 22-25 and page 8, lines 12-14.

Claim 12 is amended to include the limitation of the additional feature that "wherein whether the additional feature is awarded is determined by the controller based on a play of the base game where the additional credit has been staked." The Applicant notes that support for these amendments may be found at page 5, lines 31-35 of the application as filed.

Claim 23 has been amended to include the further limitation of "wherein the controller determines whether a said feature outcome has occurred using different evaluation criteria than criteria used to determine whether the other outcomes in the base game are winning outcomes." Support for these amendments may be found in the application as filed, for example, at page 6, lines 17-23 which include exemplary descriptions including an additional trigger symbol and a right-to-left payout.

In the Office Action, the Examiner rejects Claims 8 and 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More particularly, the

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Examiner notes that the corresponding base claims require that the player place a bet in order to be eligible for the additional features. However, further notes that previously pending Claims 8 and 17 require that there be additional features for which no bet is placed. The Applicant thanks the Examiner for noting this discrepancy and notes that Claims 8 and 17 are amended by this paper, for example, to include the further limitation that "while other features comprise a series of game events that require the staking of at least one further bet by the player" or "in which certain of the additional features require the staking of further additional credit by the player, which is in addition to the additional credit staked to provide eligibility for the enhanced base game. The Applicant believes that Claims 8 and 17 as currently amended do now satisfy the requirements of 35 U.S.C. § 112 and address the logical inconsistencies which the Examiner notes in the pending Office Action.

The Examiner also rejects Claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner notes that Claim 9 recites the limitation "one of the plurality of games as the base game" at lines 2 and 3. The Examiner further notes that a plurality of games is not introduced in Claim 1. The Applicant confirms the Examiner's reading of Claim 1 in this regard, however, respectfully notes that the feature of "wherein the machine comprises a plurality of games" is properly introduced in Claim 9. Thus, the Applicant believes that the subsequent reference to selecting one of the plurality of games does have proper antecedent basis previously in Claim 9 and respectfully requests that the rejection, under 35 U.S.C. § 112, second paragraph, of Claim 9 be withdrawn.

The Examiner also rejects Claim 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner notes that Claim 13 recites the limitation of "the additional feature required" at line 2 and that the base Claim 12 does not introduce the feature of a required additional feature. The Applicant thanks the Examiner for noting this discrepancy and hereby amends Claim 13 such that the Applicant believes that all recited limitations are properly introduced.

The Examiner also rejects Claim 1-22 under 35 U.S.C. § 102(b) as being anticipated by Morro et al., U.S. Patent No. 5,947,820. The Applicant respectfully notes from their reading and

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understanding of the pending Office Action that the Examiner appears to be interpreting the claimed aspect of "feature" in the previously presented claims as including the second, third, fourth, etc. pay lines that are paid for by a player placing an additional wager. The Applicant respectfully notes that all of the independent claims as amended by this paper clearly recite that the term "feature" in the claims is not intended to include an additional pay line in a base game. Rather, for example, in Claim 1, the "base game" requires the purchase of at least one outcome. The "feature" can be a player favorable variation in the outcomes available for the controller to select. The Applicant notes that this is further supported in the application as filed at page 6, lines 17-23 which include an outcome in the form of the occurrence of a certain combination, an outcome in the form of an occurrence of the trigger symbol, and/or an outcome in the form of a winning combination occurring from right to left.

This is in contrast to the Morro et al. reference which provides no description of a favorable variation in the outcomes available to be selected. As the Examiner notes, Morro et al. describes the addition of pay lines which are the vehicle which delineate the outcomes that occur in a game, e.g., winning versus non-winning outcomes. The Applicant respectfully notes that Morro et al. does not describe any variation in the outcomes that may occur within any pay line. Whether the player has selected one pay line or multiple pay lines, the gaming systems and methods described and illustrated by Morro et al. have the same outcomes available for selection within those pay lines.

As previously noted, in the subject application, the "feature" can comprise eligibility for the award of one or more feature games. The award of the feature game(s) is contingent on the occurrence of a feature game trigger during play of the base game. Even if a pay line in the Morro et al. devices is interpreted as a feature, the Applicant notes that there is no interrelationship between the pay lines as taught by Morro et al. in the form of one having a feature game trigger that then results in award of play on another pay line.

With respect to Claim 12 as amended by this paper, whether the feature game is awarded is determined based on a play of the base game. As previously noted, even if a pay line of the Morro et al. reference is interpreted as a feature, Morro does not disclose an interrelationship between the pay lines as taught by Morro in form of one being awarded based on play of another.

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In an analogous manner, Claim 21 of the subject application as amended by this paper specifies that the additional feature is awarded from play of the base game. Morro et al. does not described any feature or features that can be awarded from play of a base game and which have further been selected through operation of selectors.

The Examiner also rejects Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Morro et al. in view of Wood et al., U.S. Patent No. 5,868,619. The Applicant respectfully notes that Claim 23 is amended by this paper to include the further limitations that “wherein the controller determines whether a said feature outcome has occurred using different evaluation criteria than criteria used to determine whether the other outcomes in the base game are winning outcomes” (Claim 23 as currently amended). The Applicant notes that Morro et al. does not disclose the claimed aspect of a feature outcome that results in the award of a feature. Morro et al. also does not disclose that the controller determines whether a said feature outcome has occurred using different evaluation criteria than the criteria used to determine whether the other outcomes in the base game are winning outcomes. In contrast, Morro et al. discloses that the evaluation criteria used are the same.

With respect to the Wood et al. reference, a game is described with a normal pay table and the option for the player to wager an additional bonus wager. If the additional bonus wager is made and a particular winning combination results, then the player is awarded both the award from the pay table and an additional bonus award, which could be for example a progressive prize. Wood et al. therefore describes providing an additional award on the occurrence of a particular winning combination.

The Applicant believes that with the disclosure of Morro et al. directed to describing purchase of pay lines and of Wood et al. describing placing a bonus wager, the two references relate to entirely different and independent types of games. The Applicant believes that it is not possible to combine these teachings to reach the Applicant's claimed invention as such a combination would result in the pay lines of Morro et al. operating as disclosed and the independent bonus wager of Wood et al. operating as disclosed without sufficient variation to arrive at the Applicant's claimed invention as amended by this paper.

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SUMMARY

Thus, as previously described the Applicant believes that the subject application as currently amended complies with the requirements of 35 U.S.C. § 112. The Applicant further believes that the claimed invention is patentably novel under the requirements of 35 U.S.C. § 102(b) over Morro et al. '820. The Applicant further believes that the claimed invention is patentably distinct from the combination of Morro et al. '821 and Wood et al. '619 under the requirements of 35 U.S.C. § 103(a). The Applicant further believes that new Claims 24-28 and 29 properly further define the claimed invention of the associated independent Claim 23 or 1, respectively, and are also patentable due to their dependence on respective independent claim as previously described. The Applicant further believes that new Claims 30-33 recite a combination of aspects that are also patentably novel and nonobvious over the Morro et al., Wood et al., and the other art of record however respectfully requests examination on the merits of these new claims by the Examiner.

The Applicant believes that the subject application as currently amended is allowable and the Applicant respectfully requests prompt issuance of a Notice of Allowability. The Applicant believes that this paper is fully responsive to the rejections made by the Examiner in the Office Action. However, should there remain any further impediments to the allowance of this application that might be resolved by telephone conference the Examiner is respectfully requested to contact the Applicants undersigned representative at the indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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